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November 13, 2024

VIA CM/ECF

Honorable Judge Margaret M. Garnett
United States District Court
Southern District of New York
40 Foley Square - Courtroom 619
New York, NY 10007

**Re: Girotto v. Hastens Beds, Inc., et al.
Case 1:24-cv-02552-MMG**

Dear Judge Garnett:

The undersigned represents the Plaintiff in the above-captioned case matter. Pursuant to Order [D.E. 37], Plaintiff shall file proof of service for Defendant Bondell no later than November 12, 2024.

The Plaintiff states they had the process serving agency stop service on Defendant VRT Ventures LLC, as they had entered an appearance. [D.E. 31] and [D.E. 32]. Instead, the service of process misunderstood and stopped service completely in the matter. See attached Exhibit "A". At this time, we have instructed the process server to continue to attempt service on Martin Bondell.

Be that as it may, Martin Bondell's address has been verified and we know he lives there, but could not serve him, as the process server encountered a hostile environment when service was attempted at Mr. Bondell's address by security in his building. See attached Exhibit "B". A preliminary search into Mr. Bondell's background information has led us to realize that he is an elderly man born in 1944, therefore 80 years old.

Per the Court's Order [D.E. 35] denying the motion for alternative service, the Order D.E. 35 states that Plaintiff has not attempted to serve Defendant Bondell by any other method, such as waiting outside of his residential building to serve him or attempting to serve him at his workplace. Neither the Plaintiff nor the process server knows what Mr. Bondell looks like in order to serve him upon his entry or leaving his building, which has 156 apartments. Additionally, our research has found he is an elderly man that at this point has no workplace address.

Nonetheless, Plaintiff will be contacting the Defendant by U.S. or Federal Express mail regarding the lawsuit, including a copy of the Summons and Complaint, in an attempt to solicit a response from him to this lawsuit. Nonetheless, this will not yield an Affidavit of Service, that Order 101 seeks from Plaintiff.

Due to these stated reasons, the undersigned requests that the Court reconsider granting \ Plaintiff's Motion for Alternate Methods of Service so that service can be completed as the server will likely continue to be denied access to serve Mr. Bondell, and respectfully requests a three-week extension of time for service of process to be completed. The undersigned apologizes for the late filing as he had a sudden emergency to attend to.

This is Plaintiff's first extension request regarding this matter. Thank you for your attention to this request.

Respectfully,

By: /S/ B. Bradley Weitz

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Application GRANTED IN PART. It is hereby ORDERED that Plaintiff's request for an extension of time to serve Defendant Bondell is GRANTED, such that Plaintiff shall file proof of service or a waiver of service for Defendant Bondell no later than **December 4, 2024**. Plaintiff's request to serve Defendant Bondell via alternative service is DENIED. Should Plaintiff fail to file proof of service or a waiver of service by December 4, 2024, Defendant Bondell will be dismissed from this action without further notice to any party. No extension of the deadline to file proof of service will be granted. The parties are further advised that the deadlines to meet and confer and file a joint letter described in Dkt. No. 37 remain in effect.

The Clerk of Court is respectfully directed to terminate Dkt. No. 38.

SO ORDERED. Dated November 13, 2024


HON. MARGARET M. GARNETT
UNITED STATES DISTRICT JUDGE